

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3040
)	
v.)	
)	
JOSE LOPEZ LOYA,)	TENTATIVE FINDINGS ON OBJECTIONS
)	TO THE REVISED PRESENTENCE
Defendants.)	INVESTIGATION REPORT
)	

In the Statement Per Paragraph Six of Order on Sentencing Schedule, filing 83, the defendant has objected to paragraphs 44 and 42 of the Revised Presentence Investigation Report. The defendant seeks a four-level reduction for his role in the offense as a minimal participant. He also objects to paragraph 42 which does not provide for a three-level reduction of the base offense level because the defendant “did not know, nor did he believe that the contraband was to be used to manufacture a controlled substance unlawfully pursuant to § 2D1.11(b)(2).”

The defendant anticipates testimony of approximately 30 minutes. Counsel has submitted a brief in support of the objections. Resolution of the objections will be made following the presentation of evidence and oral arguments immediately preceding the sentencing.

Dated January 3, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge